

Message Text

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ACTION SCI-06

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E.O. 11652 N/A

TAGS: TSPA, JA

SUBJ: SPACE COOPERATION-MEMORANDUM OF UNDERSTANDING ON
LAUNCHING SERVICES

REF TOKYO 9499

1. IN CONVERSATION WITH SCICOUNS TODAY, YAMANO, STA SPACE
COUNSELOR, CONFIRMED STA MINISTER MROIYAMA'S INTEREST
DESCRIBED IN REFTEL, IN SIGNING MEMORANDUM OF UNDERSTANDING
IN WASHINGTON. APPROXIMATE DATE WOULD BE SEPTEMBER 12,
ON WAY TO IAEA CONFERENCE IN VIENNA. STOPOVER ON RETURN
TRIP IMPRACTICAL. YAMANO CONFIRMED SUSPICION THAT STA APPROACH
ON THIS ISSUE IS INTENDED TO BE OFF-THE RECORD AT THIS TIME,
AND THAT MATTER HAS NOT BEEN TAKEN UP WITH FONOFF. YAMANO
REQUESTED THAT WE RESPECT CONFIDENCE OF INQUIRY FOR TIME BEING.

2. ON MORE SUBSTANTIVE ISSUE, YAMANO EXPRESSED CONCERN WITH
ABILITY TO REACH AGREEMENT ON MOU IN TIME FOR SIGNING BY
MORIYAMA IN WASHINGTON DUE TO PROBLEM CREATED FOR GOJ BY
FINANCIAL PROVISIONS OF US DRAFT. YAMANO EXPLAINED THAT
UNCONDITIONAL OBLIGATION OF NASA TO PAY LAUNCH SERVICE COSTS
SET FORTH IN FINANCIAL PROVISIONS WAS IN CONFLICT WITH JAP-
ANESE BUDGETRY SYSTEM OF ANNUAL APPROPRIATIONS. AS IN CASE OF
US, FINANCIAL UNDERTAKINGS IN JAPANESE GOVERNMENT AGREEMENTS
MUST BE SUBJECT TO BUDGETRY APPROVAL, UNLESS AGREEMENT APPROVED
BY DIET. NEED FOR SUCH APPROVAL WOULD GREATLY EXTEND TIME
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SCHEDULE FOR CONCLUSION OF AGREEMENT. YAMANA O EXPRESSED HOPE

THAT US WOULD BE WILLING TO ACCOMODATE GOJ PROBLEM IN SOME WAY AS HAS BEEN DONE IN SEVERAL INSTANCES IN THE PAST; I.E., BE EXPLANATORY NOTE WHICH MAKES FINANCIAL OBLIGATIONS SUBJECT TO BUDGETRY APPROPRIATIONS. HE CITED EXAMPLE OF MOU BETWEEN NASA AND MINISTRY OF POSTS AND TELECOMMUNICATION OF NOVEMBER 6, 1962, CONCERNING EXPERIMENTAL EXCHANGE OF NOTES. COPIES OF THESE DOCUMENTS BEING POUCHED.

3. AS EMBASSY UNDERSTANDS MOU, MOU ITSELF, AS UMBRELLA AGREEMENT UNDER WHICH INDIVIDUAL LAUNCHING SERVICE CONTRACTS WILL BE EXECUTED, CREATES NO FINANCIAL OBLIGATION BUT MERELY PRESCRIBES FINANCIAL PRINCIPLES TO BE INCORPORATED INTO CONTRACTS. WHILE INCLUSION OF UNCONDITIONAL OBLIGATION TO PAY COSTS IN INDIVIDUAL CONTRACTS MAY ALSO CREATE PROBLEM FOR JAPANESE, ESPECIALLY WHERE LAUNCH OCCURS IN LATER FISCAL YEAR THAN THAT IN WHICH CONTRACT SIGNED, IT MAY BE POSSIBLE TO ESTABLISH A SYSTEM OF PROGRESS PAYMENTS AND NOTIFICATIONS UNDER WHICH SERVICES PERFORMED BY NASA ARE NEVER IN EXCESS OF THOSE FOR WHICH JAPANESE HAVE MADE PAYMENT OR AT LEAST RECEIVED BUDGETARY APPROPRIATIONS AT ANY GIVEN TIME. LANGUAGE IN MOU WHICH MAKES IT CLEAR THAT FINANCIAL OBLIGATIONS CREATED BY CONTRACTS RATHER THAN MOU ITSELF MIGHT CONTRIBUTE TO SOLUTION OF PROBLEM.

4. WHILE FAVORING EXCHANGE OF NOTES, AS INDICATED IN REFTEL, EMBASSY BELIEVES SIGNATURE OF AGREEMENT BY MORIYAMA (WHO FOR TIME BEING SEEMS TO BE SECURELY IN OFFICE) DURING WASHINGTON VISIT HAS IMPORTANT ADVANTAGES, AND HOPES THIS SCHEDULE CAN BE MET.
HODGSON

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